

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

vs.

JIM BAUGH, et al.,

Defendants.

Criminal No. 20-CR-10263-PBS

ORAL ARGUMENT REQUESTED

**JOINT MOTION FOR RELIEF FROM RULE 17(C) SUBPOENAS
BY INTERVENORS EBAY, INC AND MORGAN, LEWIS & BOCKIUS LLP**

Intervenors eBay, Inc. ("eBay") and Morgan, Lewis & Bockius LLP ("Morgan Lewis")

(together, "Intervenors") respectfully move this Court for a finding that the Fed. R. Crim. P.

17(c) subpoenas issued to Intervenors by Defendant Jim Baugh ("Baugh") (the "Subpoenas") are moot in light of Baugh's guilty plea in this matter, (Dkt. 201), and thereby cease any further proceedings in connection with the Subpoenas. Alternatively, should the Court be inclined to further consider the Subpoenas, Intervenors request the opportunity to be heard regarding their motions to quash the Subpoenas, as the relevant analysis for consideration of the Subpoenas has changed following Baugh's plea. As grounds for this motion, Intervenors state as follows:

1. On August 24, 2021, Baugh filed a motion to issue Rule 17(c) subpoenas to Intervenors. Dkt. 79. The Subpoenas sought documents that Baugh viewed as potentially relevant to the facts and underlying conduct charged in his indictment, as well as to potential defenses that he may have levied at trial against the charges he is facing. Dkt. 79; *see also* Dkt. 84 (Appeal of Magistrate Judge's Order); Dkt. 153 (Opposition to Motions to Quash). Indeed, Baugh has repeatedly asserted that it was his constitutional right to a fair trial that entitled him to the documents sought by the Subpoenas. *See Id.*

5/12/22
Allowed. Both defendants have entered
guilty pleas. This ruling is without prejudice
to any request for Rule 17(c) subpoenas for the
sentencing hearings. *Sam B. Jones*